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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,413	03/26/2004	Hiroyuki Tomita	114757.01	6806
25944	7590	04/07/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			GRAY, DAVID M	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/809,413

**Applicant(s)**

TOMITA, HIROYUKI

**Examiner**

David M. Gray

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2004 and 20 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/347,689.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03-26-2004</u> . | 6) <input type="checkbox"/> Other: _____  |

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***Substitute Office Action***

The previous Office action, mailed 08-02-2004, was returned on 08-02-2004 and not re-mailed. Thus applicant's preliminary amendment filed 08-20-2004 is considered to have crossed in the mail. Accordingly this substitute Office action is being mailed and applicant's period for response is set by the instant action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washisu (6,263,161) in view of Yamazaki et al.

Regarding claim 1, Washisu discloses a "vibration correcting optical device, comprising: a vibration detection unit [19a] that detects a vibration of the vibration correcting optical device and outputs a vibration detection signal corresponding to the vibration [col 9, lns 34-37]; a vibration state judgment unit that judges a state of the vibration of the vibration correcting optical device to be one of at least three states, based upon the vibration detection signal [col 10, lns 6-11 appears to only set forth two states - fixed or hand held]; an image vibration correcting optical system [52] that corrects an image vibration caused by the vibration of the vibration correcting optical device [col 1, lns 55-61 and col 14, lns 46-49]; a drive unit [110] that drives the image vibration correcting optical system based upon a drive signal; a drive signal arithmetic operation unit [11] that calculates the drive signal based upon the vibration detection signal and

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outputs the drive signal to the drive unit [col 10, lns 26-31]; and a drive signal calculation control unit that controls a method for calculating the drive signal adopted at the drive signal arithmetic operation unit in conformance to the state of the vibration ascertained through a judgment executed by the vibration state judgment unit [col 11, ln 37 - col 12, ln 27].”

Yamazaki et al. teaches that in order to achieve accurate image shake correction, the image shake detection unit should determine whether the camera is panning and adjust the image shake correction accordingly. It would have been obvious to one of ordinary skill in the art at the time of applicant’s invention to modify Washisu to detect the panning state when hand held. The modified Washisu then would detect three states of camera shake, hand held normal, hand held panning, and fixed. One would have been motivated to so modify Washisu for the benefit of accurate correction when the camera operator is panning the camera. The remaining claims are similarly met by Washisu in view of Yamazaki et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Gray whose telephone number is 571-272-2119. The examiner can normally be reached on M-T 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David M Gray', with a long horizontal line extending to the right.

David M Gray  
Primary Examiner  
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